GOVERNMENT OF INDIA
COAL
LOK SABHA

UNSTARRED QUESTION NO:2450
ANSWERED ON:13.03.2001
IMPLEMENTATION TRIBUNAL AWARDS BY BCCL
BASUDEB ACHARIA

Will the Minister of COAL be pleased to state:

(a) the names of the Tribunal Awards not implemented by BCCL, as on December 31, 2000;

(b) the reasons, for their non-implementation;

(c) the names of the awards where BCCL lost in High Court and Supreme Court, so far;

(d) the details of steps taken or proposed to be taken in this regard;

(e) whether BCCL is facing prosecution cases in the court; and

(f) if so, the details in this regard?

Answer

THE MINISTER OF STATE FOR COAL (SYED SHAHNAWAZ HUSSAIN)

(a) & (b) : Upto 31st December, 2000, 96 awards have not been implemented as they have been challenged by filing of Writ Petition before the Hon`ble Jharkhand High Court, Ranchi and Hon`ble Supreme Court.Out of these 96 cases, 86 cases are pending before the Hon`ble High Court and 10 are pending before the Supreme Court.

(c) & (d) : Upto 31st December, 2000 BCCL has lost 7 cases in the High Court and Supreme Court. The details of such cases and the steps taken by BCCL are given in Annexure-I.

(e) & (f) : 45 prosecutions under Industrial Disputes Act are pending against the different officials of the management of BCCL.

Annexure-I

Statement referred to in reply to part (c) & (d) of Lok Sabha Unstarred Question No.2450 for 13.3.2001.

Award No. (1) − Review Petition No.2352/98, BCCL Vs. Mangal Harijan

- This case was disposed of in December, 1998 and has been implemented.

Award No. (2) − Civil Appeal No.1687/2000 (D&F Ropeways)

- This case was disposed of in March, 1999 and the management has implemented in pursuance of the Hon`ble Supreme Court's Order. However, one L.P.A. has been filed and is pending on the grounds that there was a settlement and the reference itself was not proper.

Award No. (3) - Civil Appeal No.1380/98 (R), Canteen Workers of Kusunda Area

- This case was disposed of in September, 1999 and it has been implemented.

Award No. (4) - L.P.A. No.309/97(R), 21 Workmen of Bhuli Town Admn.

- This case is pending in L.P.A. before the Hon`ble High Court.

Award No. (5)- S.L.P.(C) No.23654 of 1996, Nitish Kumar and 110 Others of Jealgora Colliery

- Consequent upon failure on the part of the union to furnish detailed documents in support of identification of the concerned workmen, the award which was passed by the Tribunal No.1, Dhanbad in Ref. No.51/90, was terminated vide thisoffice letter dated 6/12.3.1998. The union has again filed a Writ Petition before the Hon`ble High Courtbeing CWJO NO.47/2000 (R) which is pending before the Hon`ble High Court, although counter affidavit has been filed by the management of BCCL.

Award No. (6 & 7) - S.L.P. (C) No.15253/99, arising out ofLPA No.83/99 (R) & S.L.P. (C) No. /2000, arising out of L.P.A. No.554/99 (R), Damoda matter

- Consequent upon the case was decided against the management of Bharat Coking Coal Limited by the Hon`ble Supreme Court, the management took up the matter before the Hon`ble High Court in view of the fact that the union claimed that the workmen are already working and as such the question of regularization as was claimed by the union earlier has been challenged.

When the matter was taken up before the Hon`ble High Court for hearing it was brought to the notice of the Hon`ble High Court that BCCL has already beenreferred to B.I.F.R., thereafter the Hon`ble High Court passed the order thatthe Writ Petition is dismissed as withdrawn with the liberty to approach the appropriate authority of B.I.F.R. for keeping the award in abeyance as reference has already been made to B.I.F.R. under section 15(1) of the SICA.